

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

KIRBY INLAND MARINE, LP

Plaintiff,

v.

FPG SHIPHOLDING PANAMA 47

S.A.,

K LINE ENERGY SHIP

MANAGEMENT,

and the VLGC GENESIS RIVER, *in rem*

Defendants.

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No. 3:19-cv-00207

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IN THE MATTER OF KIRBY INLAND §  
MARINE, LP, in a cause of exoneration §  
from or limitation of liability §

Rule 9(h) Admiralty

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Consolidated with

IN THE MATTER OF THE §  
COMPLAINT §  
OF FPG SHIPHOLDING PANAMA 47 §  
S.A. SHIP NO. 138 CO. LTD., ET AL, §  
in a cause for exoneration from §  
or limitation of liability §

Rule 9(h) – Admiralty

**AGREED SUBMISSION OF CLAIMANTS FOR BELLWETHER TRIAL**

Pursuant to the Court's Order Amending Scheduling Order dated May 22, 2020, the parties in the above-captioned cause have conferred and submit the following claimants for inclusion in the bellwether trial set for July 2021. The parties have agreed to five categories

of claimants to include in the bellwether trial: (1) private oyster leaseholder with remediation claim; (2) oyster harvester; (3) shrimper; (4) seafood marketer/processor; and (5) recreational fishing charter. The claimants have selected one bellwether claimant within each category, and the vessel interests (Kirby, the Genesis River Interests, and the BW Oak Interests) have selected one bellwether claimant within each category for a total of 10 bellwether claimants.

The claimants have agreed on the following selections of claimants for participation in the bellwether trial:

| <b>Claimant Category</b>                          | <b>Claimant Name</b>   | <b>Claimant Law Firm</b>  |
|---|------------------------|---|
| Private Oyster Leaseholder with Remediation Claim | Shrimps R Us, Inc.     | Baron & Budd,<br>P.C./Cossich Sumich<br>Parsiola & Taylor LLC               |
| Oyster Harvester                                  | Alejandro Gutierrez    | Beeton Shabot LLC   |
| Shrimper  | Kenneth Hillman        | Matthews, Lawson,<br>McCutcheon & Joseph<br>PLLC                            |
| Seafood Marketer/Processor                        | Misho's Oyster Company | Pivach, Pivach, Hufft,<br>Thriffiley & Dunbar, LLC;<br>Garbin Law Firm, LLC |
| Recreational Fishing Charter                      | Blaien Friermood       | Matthews, Lawson,<br>McCutcheon & Joseph<br>PLLC                            |

In addition, Kirby, the Genesis River Interests, and the BW Oak Interests have agreed on the following selections of claimants for participation in the bellwether trial:

| <b>Claimant Category</b>                          | <b>Claimant Name</b>     | <b>Claimant Law Firm</b>                                      |
|---|--------------------------|---|
| Private Oyster Leaseholder with Remediation Claim | Ivo Slabic               | Baron & Budd,<br>P.C./Cossich Sumich<br>Parsiola & Taylor LLC |
| Oyster Harvester                                  | Rafael Amezola           | Beeton Shabot LLC   |
| Shrimper  | Kevin Ritzler            | Beeton Shabot LLC   |
| Seafood Marketer/Processor                        | Gulf Coast Oysters, Inc. | Baron & Budd,<br>P.C./Cossich Sumich<br>Parsiola & Taylor LLC |
| Recreational Fishing Charter                      | Shawn Warren             | Pierce Skrabanek PLLC   |

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

I HEREBY CERTIFY that liaison counsel for claimants, counsel for Kirby Inland Marine, LP, counsel for the Genesis River Interests, and counsel for the BW Oak Interests have conferred and reached the agreements set forth herein.

/s/ George T. Shipley  
George T. Shipley

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record on November 17, 2020, via eFile.

/s/ George T. Shipley  
George T. Shipley